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FOOTHILL LAW GROUP, LLP 3333 BOWERS AVE., SUITE 130 SANTA CLARA, CA 95054				
			EXAMINER LEE, BENJAMIN C	
			ART UNIT 2632	PAPER NUMBER

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,506

Applicant(s)

HANABUSA ET AL.

Examiner

Benjamin C. Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-125 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 99 is/are allowed.
- 6) ☒ Claim(s) 1-37, 43-45, 47-50, 53-57, 59-98 and 100-125 is/are rejected.
- 7) ☒ Claim(s) 38-42, 46, 51, 52 and 58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 91-126 have been renumbered 90-125, and the following Office action consideration will be based on renumbered claims 1-125.

Specification

2. The amendment filed 3/3/04 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the “wireless devices” that is different from the radio frequency identification device, and “shielding materials”, new figures 59-65 and associated disclosure including the “2 common surfaces” feature, and the “warning generation in the presence of the wireless devices or radio frequency identification devices”, and the “at least one mechanical/electrical identity code”.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 102, 104-116, (117-118)/103, and 119-125 and are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed “wireless devices”, “shielding materials” and specific examples, the warning generation in the presence of the wireless devices or radio frequency identification devices, and the claimed subject matter associated with new matter in the specification indicated above including those from Figs. 59-65 including the “2 common surfaces” features, and the “warning generation in the presence of the wireless devices or radio frequency identification devices”, and the “at least one mechanical/electrical identity code”, are not supported by the original disclosure.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7, 10-11, 17-18, 36, 59, 71-72, 74, 92, 98 and 101 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) In claim 7, the claimed items, e.g. “birthmark, skin mark, skin scab, skin rash, human skin” is directed to the shape of the vessel and not its intrinsic self, and should be defined as such. Claims 17 is similarly rejected due to dependency on claim 7.

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2) In claim 10, the alternative types of plastics listed in the list should be in the “or” form.

3) In claim 18, line 2, “and” should be --or--.

4) In claim 36, line 8, “and a folded-over device” should read --or a folded-over device--.

5) In claim 59, line 4, “and” should be --or--.

6) In claim 71, line 8, “the lid” lacks antecedent basis.

7) In claim 72, line 12, “the lid” lacks antecedent basis.

8) In claim 74, line 9, “and a folded-over device” should be --or a folded-over device--.

9) In claim 98, line 15, “the lid” lacks antecedent basis.

10) In claim 101, line 8, “connecting the at least one vessel to each other” is indefinite since that requires at least 2 vessels.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-9, 12-16, 18-30, 33-34, 37, 45, 60-62, 66-67, 70, 73, 84 and 95-97 are rejected under 35 U.S.C. 102(b) as being anticipated by Masi et al. (US pat. #5,517,180).

Masi et al. discloses:

1) claims 1 and 73: device for deterring an attack and aiding in identification of an attacker (Abstract) comprising: at least one evidence material (col. 4, lines 28-34; col. 6, lines 55-65; col. 7, lines 42-48) retained by a person other than the victim (attacker);

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- 2) claim 2: vessel (ampule in Figs. 3-5, 8-10);
- 3) claims 3-4: the evidence material is coupled with or contained in the vessel (Figs. 3-5, 8-10);
- 4) claim 5: open or partially open vessel (710 of Fig. 7);
- 5) claim 6: closed vessel (Figs. 4-5 and 10);
- 6) claim 7: soap bar/toothpaste shaped container (i.e. elongated) or pressure actuated vessel or multi chamber capsule as the pressure or puncture actuated vessel or any item capable of containing the evidence material and made of any suitable material (Figs. 1-5 and 7-11);
- 7) claims 8, 13-14, 16: leak indicating fluid in multi chamber vessel (one or more of the colored/opaque evidence materials according to col. 7, lines 41-43 in multi-chambered embodiments additionally act as leak indicating material);
- 8) claim 9: plastic vessel (col. 7, line 4);
- 9) claim 12: chamber walls of dissimilar breaking strength (col. 8, lines 54-62);
- 10) claims 15 and 21: fluid comprise particles (col. 4, lines 28-34; col. 6, lines 55-65; col. 7, lines 42-48, whereby pepper spray fluid, glowing liquid, colored paint constitute particles suspended in liquid);
- 11) claim 18: liquid or powder evidence material (col. 4, lines 28-34; col. 6, lines 55-65; col. 7, lines 42-48);
- 12) claim 19: dissimilar evidence materials (col. 4, lines 28-34; col. 6, lines 55-65; col. 7, lines 42-48);
- 13) claim 20: reusable vessel (Figs. 1-2 where evidence material can be re-supplied for reuse);

14) claims 22-27, 30: at least one but not all of the evidence material particles, liquid and/or powder further comprise at least one identification code/marker or manufacturers device registration procedure providing for maintenance of a permanent history of each device manufactured (evidence materials such as paint in Masi et al. of particular color of particular composition made by a particular manufacturer at a particular plant, date as a particular batch inherently constitutes identifiable unique telltales/permanent history including color, compositions, particle shapes, patterns, time frame or length of time since manufactured, etc. usable as identification codes or markers individually identifiable by evidence experts, and furthermore that manufacturers keep identification tools of such material to identify their materials by manufacturing lot numbers using telltales, while other materials such as water content do not include such identifiable marker);

15) claim 28: odorless evidence material (embodiments where the evidence material is not disclosed to be or inherently having odor);

16) claim 29: life time of evidence material is self limiting (materials such as pepper spray are degradable over time);

17) claims 33 and 60-61 (claimed features are in the alternative by an “or” in the claims): tool for obtaining and storing samples of tissue, skin, hair or body fluids (device housing portions of Figs. 1 & 8 including edges and rods 28, 814, 816 while striking an attacker in an intended use constitutes a tool that can be used to (i.e. the claimed “for”) obtain and retain/store one or more such samples);

18) claim 34: the vessel is either filled with or empty of the evidence material in Masi et al.;

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19) claim 37: the tool is “capable” of removing and holding tissue, skin, body fluid or bone sample when used in striking an attacker's body, the tool comprising the surface.

20) claim 45, the surface of tip where ampule nozzle is located constitutes a striking/scraping surface as a tool, and the nozzle constitutes the claimed evidence material discharge/bleed channel in Fig. 2, for example;

21) claim 62: pin 28 constitutes the tool that is not visible.

22) claims 66-67: evidence material is released from a spray container by application of force (force triggers 32, 158, 506, 808);

23) claim 70: removable cover 18, plus consideration of claim 33 for tool as intended use;

24) claim 84: penetrating device (28);

25) claim 95: the claimed method for deterring an attack and aiding in identification of an attack comprising the steps of: manufacturing a vessel (ampule) capable of housing evidence material (identifying spray liquid); placing the evidence material into the vessel; equipping the person to be protected with the vessel containing the evidence material; applying pressure to the vessel or breaking the vessel or tearing the vessel or puncturing the vessel or opening the vessel (using trigger), and spreading the evidence material over the person to be protected and the attacker (see Abstract and Figs. 1-8, whereby the person is being spread with the evidence material as well as the attacker due to proximity and the spreading action of the spray);

26) claims 96-97: met by consideration of claim 96 & claims above, plus Figs. 1-5 and 8.

9. Claims 75-76, 78, 80-81 and 83 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Luit (US 5538170).

1) Regarding claims 75-76 and 78, Van Luit discloses the claimed: device (10)

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comprising a segment of material in the form of a ribbon (100) comprises bright colors (col. 5, line 39) with a free end and an affixed end (Fig. 1); a spool (102 and Abstract); the segment of material disposed about the spool (Fig. 1), wherein the claimed for deterring an attack and aiding in identification of an attacker constitutes an intended use of the device.

2) Regarding claims 80-81, Van Luit discloses the claimed words/displays on the segment that communicates distress (col. 1, lines 55-58 and col. 5, lines 39-41).

3) Regarding claim 83, Van Luit discloses an object (70) being positioned proximally to the segment's free end (Fig. 1).

10. Claims 75 and 82 are rejected under 35 U.S.C. 102(b) as being anticipated by Porter (US 3799105).

1) Regarding claims 75 and 82, Porter discloses the claimed: device (Fig. 1) comprising a segment of material (50, 55) with a free end and an affixed end (Fig. 1); a spool (39); the segment of material disposed about the spool (Fig. 1), and wherein the segment further comprises an air activated sound generating device (54), wherein the claimed for deterring an attack and aiding in identification of an attacker constitutes an intended use of the device when used/activated in the presence of a potential attacker.

11. Claims 1-2 and 84 are rejected under 35 U.S.C. 102(b) as being anticipated by Charlot, Jr. et al. (US 5031287).

Charlot, Jr. et al. discloses the claimed: device (Fig. 1) comprising at least one evidence material and a multi-chamber vessel (col. 3, line 52 to col. 4, line 14); a penetrating device or tool (pin 14) for obtaining and retaining samples of tissue, skin, hair, bone or body fluid (intended use of pin 14); and an identification code (EAS electronic tag of col. 5, line 61 to col.

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6, line 2 having an identifiable frequency response), wherein the claimed for deterring an attack and aiding in identification of an attacker constitutes an intended use of the device when used/activated in the presence of a potential attacker.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 10-11, 31-32, 35, 65 and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masi et al.

1) Regarding claim 10, while Masi et al. did not specify the type of plastic used, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to choose any of the known claimed types of plastics having properties that meet the characteristics required in operation of the Masi et al. vessel.

2) Regarding claim 11, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use textured surface on the plastic of the vessel for easy handling and manipulation such as during insertion, removal or addition of evidence material into the vessel.

3) Regarding claim 31, since the identifying evidence paint is for identifying an assailant in Masi et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to choose an evidence paint that can be removed only by a remover manufactured under a proprietary process controlled by the device manufacturer so that the

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device can work as intended by avoiding an assailant removing the evidence paint using available or other removers.

4) Regarding claim 32, Masi et al. discloses using a vessel having first, second and third chambers (Figs. 3-5, 9) with at least two evidence materials so that upon puncturing the materials in the chambers are jointed/mixed to be activated to provide an evidence marking fluid, and that various different types of materials associated activations can be used (col. 4, lines 28-34; col. 7, lines 43-45). It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use evidence materials that require mixing with water and an additional empty chamber for proper activation, or making use of only 2 of the existing 3 chambers for a particular evidence material activation that requires evidence material in one chamber and water in another only, in a device such as taught by Masi et al. without unexpected results.

5) Regarding claim 35, since the device constitutes the tool, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that when manufactured and/or marketed, such device having a code such as a Universal Product Code constitutes the claimed tool comprising a code.

6) Regarding claim 65, Masi et al. discloses use of glowing or colored fluid without specifying the specific types (col. 7, lines 38-47).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that phosphorus is one such known glowing or colored fluid and thus can be used in Masi et al.

7) Regarding claim 68, Masi et al. met all of the claimed subject matter as in claim 1 or 2, except the claimed further comprises a display of letters, symbols, pictures, numerals, signs or

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labels.

However, it is customary for assaulting devices or dangerous devices in general to carry a display of letters, symbols, pictures, numerals, signs or labels for warning, deterrent and/or indication of the type, capability and intent of the devices at issue. It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include one or more of such a display of letters, symbols, pictures, numerals, signs or labels in a personal protection device such as taught by Masi et al. to provide such warning, deterrent and/or indication of the type, capability and intent of the device.

8) In considering claim 69, Masi et al. met all of the claimed subject matter as in claim 2, wherein:

Masi et al. discloses a vessel of somewhat cylindrical shape with a pressure applying surface so that upon pressure application the vessel expands outwardly and in the direction of an obstacle (806, 808 or 12) for opposing the pressure thereby forcing the release the evidence material through the nozzles, whereby the resulting pressure crushes the brittle chamber separating walls (see Figs. 3-5 and 8-10).

However, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that a somewhat rectangular shaped vessel having bottom and top surfaces connected to each other with first and second walls at the ends would have worked just as well in a device such as taught by Masi et al., and furthermore that instead of brittle separating walls that crush under pressure, flexible/pliable separating walls in combination of sharp edged cutting tools can be used to release and mix the evidence materials since they provide the same effect of breaking the chamber walls to mix and expel the evidence materials.

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14. Claims 55-57 and 59/55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masi et al. in view of Green, Sr. (US pat. #4,837,559) and Miller (US pat. #5,644,296).

1) In considering claims 55-57 and 59/55, Masi et al. met all of the claimed subject matter as in claim 2, including:

a) claimed hard or resilient enclosure (12) of any shape including or excluding the evidence material; a battery (42), an audio source of any shape (26), electronics for controlling the audio source (Fig. 6), means for selectively enabling power conduction between the electronics and the power source to activate the audio source to emit an audible warning/alarm, whereby the evidence marking and alarm features activation of the device are integrated/combined so that they can all be activated by a single manual activation (Abstract and Fig. 1);

while:

b) Green, Sr. teaches using an insulator positioned between the electronics and the power source so that removal of the insulator enables the electronics to contact the power source and activate the audio source (Abstract, Fig. 1 and col. 2, lines 59-66 and col. 3, lines 8-20);

and

c) Miller teaches that audible warning can be in the form of an emitted prerecorded message (claim 1).

In view of the reference teachings, it would have been obvious to one of ordinary skill in the art the time of the claimed invention that if user preference dictates the desirability for independent actuation of the audible warning, as taught by Green, Sr. from the evidence material marking feature in a system such as taught by Masi et al., then the insulator-removal audible

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warning activation taught by Green, Sr. can be used for implementing such an embodiment, and furthermore that a pre-recorded message such as taught by Miller can alternatively be used as the specific type of audible warning based on user preference.

15. Claims 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masi et al. in view of Conway (US 5455566).

1) In considering claim 63, Masi et al. renders obvious all of the claimed subject matter as in the consideration of claim 4, while:

Conway discloses a device for deterring an attack using a vessel (86) having a spray material therein (Figs. 4 and 14) held at a pressure higher or lower than atmospheric (col. 6, lines 40-42).

It would have been obvious to one of ordinary skill in the art the time of the claimed invention to pressurize the evidence material in the vessel as taught by Conway in Masi et al. to facilitate spraying action of the evidence material and mark an attacker.

2) In considering claim 64, Masi et al. and Conway render obvious all of the claimed subject matter as in claim 63, plus the consideration of claim 33.

16. Claims 77 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Luit.

1) Regarding claim 77, Van Luit discloses all of the claimed subject matter as in claim 75, in which the barricade tape 100 is generally brightly colored for easy visibility and made of thin plastic (col. 5, lines 39-41).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use tape 100 made highly reflective in Van Luit to enhance easy visibility as

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intended.

2) Regarding claim 79:

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that since the tape 100 in Van Luit is breakable as by cutting or tearing when pulled against cutter 70 on the device housing and the tape is easily adhered to external objects (col. 5, lines 43-45), portions of the tape segment will break off while being extended from a moving object and portions of the segment will remain.

17. Claims 85-89, 102-107 and 110-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charlot, Jr. et al. as in claims 1-2 or 84 in view of Perreau et al. (US 5,777,553), or over Porter as in claim 75 over Perreau et al., or over Masi as in claims 1-2 or 33 in view of Perreau et al.

In the art of EAS tags, Perreau et al. teaches the known use of a radio frequency identification transponder device (RFID) as an EAS tag (col. 3, lines 49-51) having an antenna and an inherent unique electrical identification code to protect uniquely identifiable objects from unauthorized use/removal (Abstract), wherein the RFID device is electrically active when responding to an interrogation signal, and electrically inactive when not being interrogated.

1) Regarding claims (86-89)/75, (103-104)/75 and (112-115)/75, in view of the teachings by Porter and Perreau et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include a known RFID device of Perreau et al. in Porter to protect it against unauthorized use/removal, whereby additional mechanical identity code can be added as redundancy for the electrical identity code.

2) Regarding claims (85-89)/85; (102-103)/85 and (112-115)/85, in view of the teachings

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by Charlot, Jr. et al. and Perreau et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to implement the EAS tag in Charlot, Jr. et al. using a known RFID device of Perreau et al. to take advantage of the RFID device's unique identification so that the object can be uniquely differentiated from others, whereby additional mechanical identity code can be added as redundancy for the electrical identity code.

3) Regarding claims (86-89)/(1-2 or 33), (102-103)/(1-2 or 33) and (112-115)/(1-2 or 33), in view of the teachings by Masi and Perreau et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include a known RFID device of Perreau et al. in Masi to protect it against unauthorized use/removal, whereby additional mechanical identity code can be added as redundancy for the electrical identity code.

4) Regarding claim (104-107)/(1-2, 33, 75 or 85):

The RFID device is proximate, covered by or is adhered to housing materials of covers 38 and 82, barrels 60 and 70, and pin 14 having pin head 40 (which one or more of such materials are usually made of metallic material that may include iron particles) in Perreau et al., such that such materials either are metallic or dielectric in nature that in one or more directions shield and attenuates electromagnetic signals to the RFID devices. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use more than one RFID devices including at least one RFID device not shielded in at least one reading direction to ensure positive reading in case some of those RFID devices are shielded in such reading direction due to the particular orientation of the assembly during reading.

5) Regarding claims (110-111) /(1-2, 33, 75 or 85), the claimed warning of the presence of RFID device is met by 52 in Fig. 4 of Perreau et al.

6) Regarding claims 116-118:

a) Charlot Jr. et al. as a primary reference shows pin and clasp as attachment enabling portion, pin as skin penetrating portion, and combination of Charlot Jr. et al. and Perreau et al. has radio frequency device/wireless identification device as part of the device housing having edges or the pin for removing and storing/retaining skin, bone, hair, tissue and bodily fluids that can stick to its surfaces.

b) Porter as a primary reference shows a base/platform as attachment enabling portion, sharp edged portions as skin penetrating portion, and combination of porter and Perreau et al. has radio frequency device/wireless identification device as part of the device housing having edges for removing and storing/retaining skin, bone, hair, tissue and bodily fluids that can stick to its surfaces.

c) Masi as a primary reference shows keychain ring as attachment enabling portion, pin 28 as skin penetrating portion, and combination of Masi and Perreau et al. has radio frequency device/wireless identification device as part of the device housing having edges or the pin for removing and storing/retaining skin, bone, hair, tissue and bodily fluids that can stick to its surfaces.

18. Claims 100-101 are rejected under 35 U.S.C. 103(a) as being obvious over Charlot, Jr. et al.

Regarding claims 100-101: Charlot, Jr. et al. discloses the claimed method as shown by Figs. 1-2, whereby it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that when the shirt/clothing in Fig. 2 is being worn by a person, the device method constitutes attaching the vessel containing the evidence material to the person to be

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protects, wherein the claimed for deterring an attack and aiding in identification of an attacker constitutes an intended use of the device when used/activated in the presence of or by a potential attacker, and that instead of attaching the device to the person using the pin and clutch setup of Charlot, Jr. et al., whereby the pin and clasp constitutes the claimed strand connector.

Allowable Subject Matter

19. Claim 99 is allowed.
20. Claim 98 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
21. Claims 17, 36, 43-44, 47-50, 53-54, 59/58, 71-72, 74, 90-94 and 101 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
22. Claims 38-42, 46, 51-52 and 58 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patents 5635917, 4873193, 6085907, 5054172, 5281293, 5477863, 5780305, 5186900, 5025920, 4917867, 4603326, 4908000

--Similar and known devices reading on one or more various claimed embodiments.

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24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963.

The examiner can normally be reached on Mon -Th 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin C. Lee
Primary Examiner
Art Unit 2632

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